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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,249	11/17/2003	Mycong-Ki Kim	P24480	1740

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EXAMINER

PATEL, KIRAN B


ART UNIT PAPER NUMBER

3612

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JB

 Office Action Summary	Application No. 10/713,249	Applicant(s) KIM, MYCONG-KI	
	Examiner Kiran B. Patel	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Final Rejection

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-5, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 are confusing and are not clear because claimed limitations, (claim 1, the lower member having a downwardly curved shape and bending forward from the reinforcement structure; claim 3, side fixing portions is substantially greater than the width of the lower member; claim 4, the lower member bends forwardly so as to absorb shock applied to the front side of the front-end modular carrier, to thereby prevent transmission of the shock to internal components of the carrier; claim 5, the lower member having a shape curved downwardly and forwardly), are not clearly shown in the figures and/or lacks support in the specification and therefore fails to particularly point out and distinctly claim the

subject matter which applicant regards as the invention. These limitations must be shown or the feature(s) canceled from the claim(s). Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art shown in Fig 1-3 in view of Pleschke et al. (6,634,702).

Regarding claims 1-2, 4-5, Prior Art shown in Fig 1-3 discloses the invention as claimed to include an upper member 13 having a hood latch 17; a vertical member 14 connected to a middle portion of the upper member so as to support the upper member; and a lower member 15 fixed to a lower portion of the vertical member;

However, Prior Art shown in Fig 1-3 does not disclose a lower member having a downwardly curved shape and bending forward from the reinforcement structure.

Pleschke et al. (6,634,702) discloses in Fig 1-2 a lower member 5 having a downwardly curved shape and bending with a constant curvature forward from the reinforcement structure.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Prior Art shown in Fig 1-3, to include a lower member having a downwardly curved shape and bending forward from the reinforcement structure, as disclosed by Pleschke et al. (6,634,702), to absorb front shock and prevent transmission of the shock to internal components.

3. Claim 3, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art shown in Fig 1-3 as applied to claim 1 and in view of Wycech (5,575,526).

Regarding claim 3, Prior Art shown in Fig 1-3 discloses the invention as claimed to include side members, wherein the lower member 15 comprises side fixing portions which contact said side members.

However, Prior Art shown in Fig 1-3 does not disclose the width of the lower member at said fixing portions is substantially greater than the width of the lower member.

Wycech (5,575,526) discloses in Fig 1-14 the width of the lower member 12 at said fixing portions is substantially greater than the width of the lower member.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention, as disclosed by Prior Art shown in Fig 1-3, to include the width of the lower member at said fixing portions is substantially greater than the width of the lower member, as disclosed by Wycech (5,575,526), to absorb front shock and prevent transmission of the shock to internal components.

Response to Arguments

4. Applicant's arguments with respect to elected claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 703-

Application/Control Number: 10/713,249
Art Unit: 3612

Page 7

305-0254. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Kiran B. Patel, P.E.
Primary Examiner
Art Unit 3612
March 1, 2005